UNITED STATES PATENT AND TRADEMARK OFFICE

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10/092,261	03/07/2002	Mikko Makipaa	004770.00042	9273

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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Reopening of Prosecution

In view of the Appeal Brief filed on 13 May 2005, PROSECUTION IS HEREBY

REOPENED. New grounds of rejection are set forth below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Claim 10 recites the limitation "the images" in line 1. There is insufficient antecedent

basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29, 30, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by

"Serandom Screensaver Manager".

Referring to claim 29, Serandom discloses on page 1 a screen saver management program for the Windows 95 operating system. It is a known fact that screen savers in a Windows environment are executed after a determined timeout period of inactivity has been exceeded. Serandom further teaches on page 1 that screen savers can be organized via the screen saver program into different collections or carousels. The screenshot on page 2 shows how screen saver handles can be added to, removed from, or rearranged within a carousel. Based on a desired configuration, one or more screen savers are executed to present images on the display screen after a period of inactivity that is inherently monitored by the processor.

Referring to claims 30 and 32, Serandom discloses in the screenshot on page 2 an interface for scheduling an order and a duration for a plurality of different screen savers. During screen saver operation, the display device is monitored for a timeout signal that a particular application has exceeded its allotted duration. Subsequently, the screen saver program will select another application to run in screen saver mode.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-8, 11-13, 24-27, 31, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Serandom Screensaver Manager" and "Drempels".

Referring to claim 1, the prior art of record provides numerous details regarding

constructing, installing, and utilizing screen savers. It should first go without saying that screen

savers are notoriously well known in the state of the art and are always implemented in an

apparatus comprising at least a storage medium and a processor. A screen saver program, for

purposes of this rejection, is a program that manages one or more screen savers stored in the

storage medium. It should further be noted that a screen saver is merely an application that is

adapted to conform to certain screen saver standards determined by the operating system

developers. The "Serandom Screensaver Manager" (hereinafter "Serandom") provides an

example of one particular screen saver program. Serandom teaches on page 1 that screen savers

can be organized via the screen saver program into different collections or carousels. The

screenshot on page 2 shows how screen saver handles can be added to, removed from, or

rearranged within a carousel. Based on a desired configuration, one or more screen savers are

executed to present images on the display screen after a period of inactivity that is inherently

monitored by the processor. Serandom fails to specifically disclose a screen saver that is capable

of being executed in a less than fully functional screen saver mode and a fully functional

application mode. The "Drempels" screensaver, however, provides precisely what Serandom

fails to teach. Drempels discloses on page 1 an application that operates in either a desktop

mode or a screen saver mode. In the desktop mode, the application is fully functional and

includes features such as a user-customizable overlay filter color and a suspend feature. In the

screen saver mode, the application is less than fully functional and operates just like a typical

screen saver would. Furthermore, because the Drempels screen saver application is designed to

operate like any other screen saver, it can be easily implemented with the Serandom Screensaver

Manager. Upon doing so, the Serandom Screensaver Manager would be started after a period of

inactivity, the Drempels screen saver would be executed in a screen saver mode, and images like

those shown on pages 2 and 3 of the Drempels reference would be presented on the display

screen. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to use the Drempels screen saver in conjunction with the Serandom

Screensaver Manager. Doing so would have been advantageous because the Serandom

Screensaver Manager allows users to view a plurality of screen savers randomly or in a

predetermined sequence instead of just a single screen saver.

Referring to claim 3, the screenshot on page 2 of the Serandom reference teaches a

carousel comprising a plurality of application handles that are associated with executing

corresponding applications in a screen saver mode.

Referring to claim 4, the Serandom reference discloses in the screenshot on page 2 a

plurality of rules for selecting application handles. The handles and corresponding rules are

inherently stored in the storage medium. Serandom fails to specifically disclose a database, but

the examiner submits that it is notoriously well known in the state of the art that databases are

commonly used in processing systems for storing organized sets of data. The examiner takes

OFFICIAL NOTICE of this teaching. Accordingly, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to store the rules and application

handles in a database because databases provide efficient storage and retrieval means for

organized sets of data.

Referring to claim 5, the Serandom reference discloses in the screenshot on page 2 that

the rules are definable by a user of the apparatus.

Referring to claim 6, the Serandom reference teaches in the screenshot on page 2 that some rules are selected via radio buttons. One radio button in a set must always be selected, and when a user first accesses the rules, certain options will already be selected. Serandom thus teaches that the rules comprise default rules.

Referring to claim 7, Serandom discloses a "Settings" option in the screenshot on page 2 for accessing execution parameters for each application. The applications are then executed in a screen saver mode according to these parameters. Said parameters could inherently be stored in the database discussed above.

Referring to claim 8, the Drempels reference teaches on page 8 that the application has an additional handle, (i.e. /s /c /y) comprising different execution parameters.

Referring to claims 11-13, Serandom discloses in the screenshot on page 2 means for executing additional applications like Drempels in a screen saver mode. The processor executes a plurality of applications in an order determined by the user using various rules.

Referring to claim 24, as discussed above a screen saver program is a program that manages one or more screen savers stored in a storage medium, and a screen saver is merely an application that is adapted to conform to certain screen saver standards determined by the operating system developers. Serandom teaches on page 1 that screen savers can be organized via the screen saver program into different collections or carousels. The screenshot on page 2 shows how screen saver handles can be added to, removed from, or rearranged within a carousel. Based on a desired configuration, one or more screen savers are executed to present images on the display screen after a period of inactivity that is inherently monitored by the processor. Serandom fails to specifically disclose a screen saver that is capable of being executed in a less

than fully functional screen saver mode and a fully functional application mode. The

"Drempels" screensaver, however, provides precisely what Serandom fails to teach. Drempels

discloses on page 1 an application that operates in either a desktop mode or a screen saver mode.

In the desktop mode, the application is fully functional and includes features such as a user-

customizable overlay filter color and a suspend feature. In the screen saver mode, the

application is less than fully functional and operates just like a typical screen saver would.

Furthermore, because the Drempels screen saver application is designed to operate like any other

screen saver, it can be easily implemented with the Serandom Screensaver Manager. Upon

doing so, the Serandom Screensaver Manager would be started after a period of inactivity, the

Drempels screen saver would be executed in a screen saver mode, and images like those shown

on pages 2 and 3 of the Drempels reference would be presented on the display screen.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to use the Drempels screen saver in conjunction with the Serandom

Screensaver Manager. Doing so would have been advantageous because the Serandom

Screensaver Manager allows users to view a plurality of screen savers randomly or in a

predetermined sequence instead of just a single screen saver.

Referring to claim 25, the Drempels application must inherently be installed on the

display device and the user can then select an option via the screen saver program to operate the

application in the screen saver mode.

Referring to claim 26, the Drempels application can inherently be pre-installed on the

device just like any other application. Drempels explains on page 1 that it can be run in a full

application mode on the display device. In combination with the Serandom screen saver

program, the user would be able to select an option to install the screen saver mode via the interface on page 2 of the Serandom reference.

Referring to claim 27, Serandom discloses in the screenshot on page 2 an interface for scheduling an order and a duration for a plurality of screen savers. During screen saver operation, the display device is monitored for a timeout signal that a particular application has exceeded its allotted duration. Subsequently, the screen saver program will select another application to run in screen saver mode.

Referring to claim 31, Serandom discloses the computer readable medium of claim 30 as discussed above but fails to disclose that an application can have two handles in the carousel representing different screen saver modes. The Drempels reference, however, teaches on page 8 that the application can have additional handles, (i.e. /s /c /y) comprising different execution parameters and thus representing different screensaver modes. The different modes provide different sets of features that the user may desire at different times. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include two handles for the same application as taught by Drempels in combination with the teachings of Serandom so that users could benefit from all of the features in an application, like those discussed by the Drempels reference.

Referring to claims 35-37, Drempels explains on page 1 that it can be run in a full application mode on the display device. In combination with the Serandom screen saver program, the user would be able to select an option to install the screen saver mode via the interface on page 2 of the Serandom reference and thereby add an application handle to the carousel.

Claims 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Serandom

Screensaver Manager" and U.S. Patent No. 6,507,351 (Bixler).

Referring to claim 14, as discussed above a screen saver program is a program that

manages one or more screen savers stored in a storage medium, and a screen saver is merely an

application that is adapted to conform to certain screen saver standards determined by the

operating system developers. Serandom teaches on page 1 that screen savers can be organized

via the screen saver program into different collections or carousels. The screenshot on page 2

shows how screen saver handles can be added to, removed from, or rearranged within a carousel.

The screenshot thus demonstrates at least one application stored in the memory having at least

one handle executing the application in a screen saver mode when the at least one handle is

selected by the screen saver program. The application then creates images for presentation on

the display screen. The screen saver program, furthermore, is independent from the screen

savers. Naturally, the screen saver program is inherently operated on an apparatus comprising a

memory for storing data and a display screen. The Serandom reference, however, fails to

disclose that the apparatus is a wireless communication device comprising a receiver. Bixler,

though, discloses in column 2: lines 30-58 an apparatus that executes an application in a screen

saver mode. The application accesses local and remote data sources via digital data

communication links. Bixler explains that the apparatus can be implemented as a PDA or a

laptop, both of which must inherently include a receiver for communicating via said digital data

communication links. Bixler further explains in column 3: lines 13-19 that his invention is

advantageous because it provides an "automatic visual reminder to the user of a computer device

to perform various tasks, such as reading e-mail and editing appointment or "to do lists", and provides a convenient vehicle for performing such tasks." Bixler also explains in this section that an "additional advantage is that information from various sources can be combined together for viewing on a single display "page" or sequentially on a plurality of display pages". Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bixler with those of Serandom for the advantages discussed by Bixler.

Referring to claim 15, the screenshot on page 2 of the Serandom reference teaches a carousel comprising a plurality of application handles that are associated with executing corresponding applications in a screen saver mode.

Referring to claim 16, the Serandom reference discloses in the screenshot on page 2 a plurality of rules for selecting application handles. The handles and corresponding rules are inherently stored in the storage medium. Serandom fails to specifically disclose a database, but the examiner submits that it is notoriously well known in the state of the art that databases are commonly used in processing systems for storing organized sets of data. The examiner takes OFFICIAL NOTICE of this teaching. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the rules and application handles in a database because databases provide efficient storage and retrieval means for organized sets of data.

Referring to claim 17, the Serandom reference discloses in the screenshot on page 2 that the rules are definable by a user of the apparatus.

Referring to claim 18, the Serandom reference teaches in the screenshot on page 2 that some rules are selected via radio buttons. One radio button in a set must always be selected, and when a user first accesses the rules, certain options will already be selected. Serandom thus teaches that the rules comprise default rules.

Referring to claim 19, Serandom discloses a "Settings" option in the screenshot on page 2 for accessing execution parameters for each application. The applications are then executed in a screen saver mode according to these parameters. Said parameters could inherently be stored in the database discussed above.

Referring to claim 20, Bixler teaches in column 11: lines 14-46 that the application has an additional handle comprising different execution parameters.

Referring to claim 21, Bixler discloses in column 3: lines 55-64 an apparatus that is in communication with a network and displays current information generated by the application operating in a screen saver mode based on data received from the network.

Referring to claim 22, Bixler discloses in column 10: lines 14-16 that one of the parameters associated with the network application is a uniform resource locator (URL).

Referring to claim 23, Serandom and Bixler fail to specifically disclose that the application is written in a JAVA programming language. The examiner submits that it is notoriously well known in the state of the art to program applications using a JAVA programming language. JAVA provides a well organized, object-oriented, and well-known language for building applications. The examiner takes OFFICIAL NOTICE of this teaching. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have written the application in JAVA for the reasons discussed above.

Claims 2, 9, 10, 28, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable

over "Serandom Screensaver Manager" and "Drempels" as applied to claims 1, 24, and 29

above, and further in view of U.S. Patent No. 6,507,351 (Bixler).

Referring to claim 2, Serandom and Drempels fail to disclose that the apparatus is a

wireless communication device. Bixler, though, discloses in column 2: lines 30-58 an apparatus

that executes an application in a screen saver mode. The application accesses local and remote

data sources via digital data communication links. Bixler explains that the apparatus can be

implemented as a PDA or a laptop, both of which must inherently include a receiver for

communicating via said digital data communication links. Bixler further explains in column 3:

lines 13-19 that his invention is advantageous because it provides an "automatic visual reminder

to the user of a computer device to perform various tasks, such as reading e-mail and editing

appointment or "to do lists", and provides a convenient vehicle for performing such tasks."

Bixler also explains in this section that an "additional advantage is that information from various

sources can be combined together for viewing on a single display "page" or sequentially on a

plurality of display pages". Accordingly, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to combine the teachings of Bixler with those of

Serandom for the advantages discussed by Bixler.

Referring to claims 9 and 10, Serandom and Drempels fail to disclose that the apparatus

is in communication with a network and it displays current information generated by the

application operating in the screen saver mode based on data received from the network.

Serandom and Drempels also fail to disclose that the images are continually updated in response

to data received from the network. Bixler, however, discloses in column 3: lines 55-64 an

apparatus that is in communication with a network and displays current information generated by

the application operating in a screen saver mode based on data received from the network.

Bixler further discloses in this section that the images can be continually updated in response to

data received from the network. Bixler explains in column 3: lines 13-19 that his invention is

advantageous because it provides an "automatic visual reminder to the user of a computer device

to perform various tasks, such as reading e-mail and editing appointment or "to do lists", and

provides a convenient vehicle for performing such tasks." Bixler also explains in this section

that an "additional advantage is that information from various sources can be combined together

for viewing on a single display "page" or sequentially on a plurality of display pages".

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Bixler with those of Serandom and Drempels

for the advantages discussed by Bixler.

Referring to claim 28, Serandom and Drempels disclose the method of claim 24 as

discussed above but fail to disclose determining whether an executed application is an interactive

application, and if the executed application is an interactive application, terminating the screen

saver program and executing the interactive application in full application mode. Bixler, though,

discloses in column 10: lines 33-62 a method for determining whether an executed application is

an interactive application, and if the executed application is an interactive application,

terminating the screen saver program and executing the interactive application in full application

mode. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Bixler with those of Serandom and Drempels.

Doing so would have been advantageous because users would have benefited from having quick access to the full application features that were not accessible in the screen saver mode.

Referring to claim 33, Serandom and Drempels disclose the computer readable medium of claim 29 as discussed above but fail to disclose determining whether an executed application is an interactive application, and if the executed application is an interactive application, terminating the screen saver program and executing the interactive application in full application mode. Bixler, though, discloses in column 10: lines 33-62 a method for determining whether an executed application is an interactive application, and if the executed application is an interactive application, terminating the screen saver program and executing the interactive application in full application mode. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bixler with those of Serandom and Drempels. Doing so would have been advantageous because users would have benefited from having quick access to the full application features that were not accessible in the screen saver mode.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Serandom Screensaver Manager", "Drempels", and U.S. Patent No. 6,507,351 (Bixler).

Referring to claim 34, as discussed above a screen saver program is a program that manages one or more screen savers stored in a storage medium, and a screen saver is merely an application that is adapted to conform to certain screen saver standards determined by the operating system developers. Serandom teaches on page 1 that screen savers can be organized via the screen saver program into different collections or carousels. The screenshot on page 2

shows how screen saver handles can be added to, removed from, or rearranged within a carousel. Based on a desired configuration, one or more screen savers are executed to present images on the display screen after a period of inactivity that is inherently monitored by the processor. The Serandom reference discloses in the screenshot on page 2 a plurality of rules for selecting the application handles. Serandom next discloses a "Settings" option in the screenshot on page 2 for accessing execution parameters for each application. The applications are then executed in a screen saver mode according to these parameters. Serandom fails to specifically disclose a screen saver that is capable of being executed in a less than fully functional screen saver mode and a fully functional application mode. The "Drempels" screensaver, however, provides precisely what Serandom fails to teach. Drempels discloses on page 1 an application that operates in either a desktop mode or a screen saver mode. In the desktop mode, the application is fully functional and includes features such as a user-customizable overlay filter color and a suspend feature. In the screen saver mode, the application is less than fully functional and operates just like a typical screen saver would. Furthermore, because the Drempels screen saver application is designed to operate like any other screen saver, it can be easily implemented with the Serandom Screensaver Manager. Upon doing so, the Serandom Screensaver Manager would be started after a period of inactivity, the Drempels screen saver would be executed in a screen saver mode, and images like those shown on pages 2 and 3 of the Drempels reference would be presented on the display screen. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the Drempels screen saver in conjunction with the Serandom Screensaver Manager. Doing so would have been advantageous because the Serandom Screensaver Manager allows users to view a plurality of screen savers

randomly or in a predetermined sequence instead of just a single screen saver. Serandom and

Drempels fail to disclose determining whether an executed application is an interactive

application, and if the executed application is an interactive application, terminating the screen

saver program and executing the interactive application in full application mode. Bixler, though,

discloses in column 10: lines 33-62 a method for determining whether an executed application is

an interactive application, and if the executed application is an interactive application,

terminating the screen saver program and executing the interactive application in full application

mode. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Bixler with those of Serandom and Drempels.

Doing so would have been advantageous because users would have benefited from having quick

access to the full application features that were not accessible in the screen saver mode.

Response to Arguments

Applicant's arguments with respect to claims 1-37 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

In responding to this office action, please note that the examiner of record for the instant
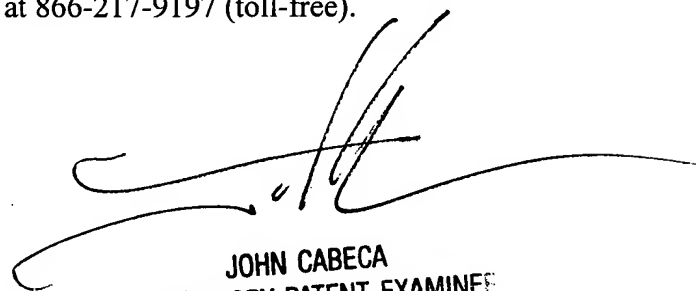
application has changed.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brian J. Detwiler whose telephone number is 571-272-4049. The

examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Cabeca can be reached on 571-272-4048. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bjd

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100